



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

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Ser DNS-36JP/15U106057

August 4, 2015

Sent via email to: [REDACTED]

Mr. Shannon L. Scott
[REDACTED]

Dear Mr. Scott,

This is in reference to your Freedom of Information Act (FOIA) request dated March 6, 2015, originally addressed to Navy Recruiting Command (NRC). Your request was processed by NRC under case number **DON-NAVY-2015-0004219**. You appealed the processing of your request on April 2, 2015, under case number **DON-NAVY-2015-004973**. On appeal, the Office of the Judge Advocate General, General Litigation Division (OJAG Code 14) determined that your request should have been referred to this office, and remanded your request to this office on May 6, 2015 under case number **DON-NAVY-2015-005928**.

Please be advised, policy guidance regarding the repeal of "Don's Ask, Don't Tell" came directly from the Undersecretary of Defense for Personnel and Readiness (USD (P&R)). DON policy regarding reenlistment is covered under BUPERSINST 1900.8D. The implementation of the USD (P&R) guidance was executed under BUPERSINST 1900.8D CH-2, signed by then-Acting Chief of Naval Personnel. The Chief of Naval Personnel is one of the principle military advisors of the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)). As a result, it is reasonable to expect that any responsive records at the Secretariat level were handled by ASN (M&RA). We contacted ASN (M&RA) to conduct a search for responsive records, but the ASN (M&RA) search did not identify or locate any responsive records.

As it appears that the revision of policy was executed under USD (P&R) guidance without any significant deviation, it is reasonable to conclude that there was no substantial discussion regarding the policy revision, with the result that no responsive records were created.

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Because no records were located in response to your request, under 32 CFR §701.12(a), you may appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be received within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

In this instance, the fees associated with the processing of this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

Questions regarding the action this office has taken during the processing of your request may be directed to our FOIA service center at (202) 685-0412.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Patterson", with a long horizontal flourish extending to the right.

R. PATTERSON

Head, DON FOIA/PA Program Office